

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #2	CCRB Case #: 201806463	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 06/05/2018 12:30 PM	Location of Incident: 23 West 100th Street; 24th Precinct stationhouse	Precinct: 24	18 Mo. SOL 12/5/2019	EO SOL 12/5/2019	
Date/Time CV Reported Sat, 07/28/2018 12:17 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 08/08/2018 11:16 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Cindy Cardona	20821	963901	024 PCT
2. SGT Rance Camarena	00505	925017	024 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Mareli Casanova	16296	922509	024 PCT
2. POM Mateusz Kopec	15093	964098	024 PCT
3. POM Nicholas Posimato	07096	963700	024 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Cindy Cardona	Force: At 23 West 100th Street in Manhattan, Police Officer Cindy Cardona used a chokehold against § 87(2)(b)	
B.SGT Rance Camarena	Abuse: At the 24th Precinct stationhouse, Sergeant Rance Camarena did not process § 87(2)(b)'s complaint regarding an officer.	

Case Summary

On July 28, 2018, § 87(2)(b) filed this complaint with IAB via telephone. On August 8, 2018, the complaint was received by the CCRB via IAB log #2018-30292 (Board Review #01: IAB Log).

At approximately 12:30 p.m. on June 5, 2018, § 87(2)(b) went to a deli located at 23 West 100th Street in Manhattan to buy food. Two uniformed officers, Police Officer Cindy Cardona and Police Officer Mareli Casanova of the 24th Precinct, were also in the deli at the time. While waiting on line, § 87(2)(b) got into a dispute with an unidentified female. Police Officer Cardona allegedly responded to the dispute by walking up to § 87(2)(b) and placing both of her hands around her neck for several seconds (**Allegation A: Force – Chokehold**, § 87(2)(g) § 87(2)(b) then left the deli. She was not arrested or issued a summons.

§ 87(2)(b) went to the 24th Precinct stationhouse. She spoke to the telephone switchboard (TS) operator, Police Officer Mateusz Kopec, and told him that she wanted to file a complaint against Police Officer Cardona. Police Officer Kopec conferred with the desk officer, Sergeant Rance Camarena. He then allegedly told § 87(2)(b) that she would not be allowed to file a complaint against Police Officer Cardona at the stationhouse (**Allegation B: Abuse of Authority – Refusal to Process Civilian Complaint**, § 87(2)(g) § 87(2)(b) was ultimately unable to file her complaint on that date.

No video footage was found for this incident.

Findings and Recommendations

Allegation (A) Force: At 23 West 100th Street in Manhattan, Police Officer Cindy Cardona used a chokehold against § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on September 13, 2018. Efforts were subsequently made to contact § 87(2)(b) for follow-up questions. § 87(2)(b) did not respond to these contact attempts (See Board Review #02: Civilian Contact Attempts). Police Officer Cardona was interviewed at the CCRB on November 8, 2018. Police Officer Casanova was interviewed at the CCRB on November 26, 2018. Sergeant Camarena was interviewed at the CCRB on November 28, 2018. Police Officer Kopec was interviewed at the CCRB on November 26, 2018. Police Officer Nicholas Posimato was interviewed on November 28, 2018.

§ 87(2)(b) stated that at approximately 12:30 p.m. on June 5, 2018, she went to buy lunch at a deli located at 23 West 100th Street in Manhattan. She stood on line with several unidentified customers. As she waited, she observed two female uniformed officers, Police Officer Cardona and Police Officer Casanova enter the deli. She recognized Police Officer Casanova as an officer that she had had several friendly interactions in the past. After the two officers entered the deli, § 87(2)(b) got into a verbal dispute with an unidentified customer. Police Officer Cardona intervened in the dispute by placing both of her hands around § 87(2)(b)'s neck. Police Officer Cardona did not apply pressure to § 87(2)(b)'s neck. This action did not restrict § 87(2)(b)'s breathing. § 87(2)(b) did not know how long Police Officer Cardona kept her hands on her

neck, but believed that it was for less than one minute. Neither § 87(2)(b) nor Police Officer Cardona said anything during this time. Eventually, Police Officer Cardona released her hands from § 87(2)(b)'s neck. § 87(2)(b) then walked out of the store. She had no further interaction with Police Officer Cardona that day.

§ 87(2)(b) further stated that on an unknown date after June 5, 2018, she met with an unidentified lieutenant at the 24th Precinct stationhouse to discuss her interaction with Police Officer Cardona. While she spoke to the lieutenant, she saw Police Officer Cardona standing nearby and identified her as the officer from the deli. The lieutenant instructed Police Officer Cardona to give her business card to § 87(2)(b).

Police Officer Cardona denied that she interacted with § 87(2)(b) on June 5, 2018. She stated that her tour on that date began at 3:00 p.m., several hours after the incident was alleged to have occurred. She was partnered with Police Officer Kouying Lee, an Asian male. Police Officer Cardona denied that she has ever been partnered with Police Officer Casanova. She is familiar with § 87(2)(b) identifying her as a chronic complainant at the 24th Precinct. She is not familiar with the deli at 23 West 100th Street. She denied traveling to that location on June 5, 2018, and denied ever having interacted with § 87(2)(b) there. She denied that she has ever choked § 87(2)(b) or made contact with § 87(2)(b)'s neck. She was not aware of any other officer having done so.

Police Officer Cardona also stated that on an unknown date, the 24th Precinct's Integrity Control Officer (ICO) called her to the stationhouse's front desk, where he was speaking to § 87(2)(b). § 87(2)(b) told the ICO that Police Officer Cardona had committed some kind of misconduct towards her in the past. Police Officer Cardona did not know what § 87(2)(b) accused her of doing. The ICO directed Police Officer Cardona to give § 87(2)(b) her business card. Police Officer Cardona walked away after handing over her card. She had no further interactions with § 87(2)(b). Police Officer Cardona did not recall if this interaction occurred before or after June 5, 2018.

Police Officer Casanova did not recall this incident. She is familiar with § 87(2)(b) explaining that she has witnessed § 87(2)(b) enter the 24th Precinct stationhouse on several occasions and shouting at officers. She did not recall interacting with § 87(2)(b) on June 5, 2018. Police Officer Casanova is familiar with the deli at 23 West 100th Street. She denied traveling there on June 5, 2018. Police Officer Casanova is also familiar with Police Officer Cardona. She denied that she was on patrol with Police Officer Cardona at the time. She noted that she is permanently assigned to an administrative post at the stationhouse and did not go on patrol. Police Officer Casanova denied seeing Police Officer Cardona or any other officer choke § 87(2)(b) or make contact with § 87(2)(b)'s neck.

Police Officer Cardona's memo book shows that she did not begin her tour on June 5, 2018 until 3:00 p.m. Police Officer Casanova's memo book shows that she was assigned to an administrative post at the time (See Board Review #03-04: Memo Books). Police Officer Cardona is not listed on the 24th Precinct's Roll Call from tour 2 on June 5, 2018. Police Officer Casanova is listed as the assistant ICO (See Board Review #05: Roll Call). The 24th Precinct Event Summary and Resource Recap Log for the relevant time period do not show any officers

responding to the incident location (See Board Review #06-07: Event Summary, Resource Recap Log).

§ 87(2)(g)

§ 87(2)(g)

Allegation (B) Abuse of Authority: At the 24th Precinct stationhouse, Sergeant Rance Camarena did not process § 87(2)(b)'s complaint regarding an officer.

In her initial IAB complaint, § 87(2)(b) stated that she has visited the 24th Precinct stationhouse at least twice regarding her complaint against Police Officer Cardona. She did not state whether she asked to file a formal complaint against Police Officer Cardona during these visits. She stated that one of these visits occurred on July 28, 2018, but did not indicate when the other visits took place. § 87(2)(b) also stated that she has had numerous interactions with the officers from the 24th Precinct prior to June 5, 2018 in her capacity as a community activist.

During her sworn statement, § 87(2)(b) stated that after she left the deli, she traveled in-person to the 24th Precinct stationhouse to file a complaint against Police Officer Cardona. She first approached the stationhouse security officer posted at the building's entrance, Police Nicholas Officer Posimato of the 24th Precinct, and told him that she was there to make an "incident report" against an officer. Police Officer Posimato opened the stationhouse door and waved § 87(2)(b) inside. She then approached a second officer, Police Officer Kopec, who was sitting at a small desk next to the front desk. § 87(2)(b) told Police Officer Kopec what had happened to her at the deli. Police Officer Kopec then walked over to the desk officer, Sergeant Camarena, and spoke to him directly. § 87(2)(b) did not hear what Sergeant Camarena and Police Officer Kopec said to each other. Police Officer Kopec then returned to § 87(2)(b) and told her that she could not file a complaint against Police Officer Cardona at the stationhouse. An unidentified male officer walked over to § 87(2)(b) and told her that Police Officer Cardona had not choked her. § 87(2)(b) told the unidentified officer that he was not present at the deli and therefore could not have known what happened there. § 87(2)(b) then left the stationhouse. She did not ultimately file her complaint against Police Officer Cardona that day. § 87(2)(b) also stated that she returned to the stationhouse once to follow up regarding the incident, during which time she obtained Police Officer Cardona's business card. She left the stationhouse after obtaining the card, and did not attempt to file a formal complaint at that time.

As previously stated, § 87(2)(b) did not respond to the investigation's attempts to contact her to ask follow-up questions.

The 24th Precinct's tour 2 Roll Call from June 5, 2018 identified Sergeant Camarena as the desk officer, Police Officer Kopec as the TS operator and Police Officer Posimato as the stationhouse security officer (See Board Review #07: Roll Call). The Command Log confirms that Sergeant Camarena was the desk officer as well. There are no entries in the command log regarding this incident (See Board Review #08: Command Log).

Sergeant Camarena confirmed that he was assigned as the 24th Precinct desk officer at the time of the incident. He had a "mild" recollection of an individual entering the stationhouse in the early afternoon on June 5, 2018. He did not recall who this person was. He believed that this individual was accompanied by another person, but was not certain of this. Sergeant Camarena is unfamiliar with § 87(2)(b) and did not know if she was the person who appeared at the stationhouse. The individual at the stationhouse was agitated and shouted at an officer. Sergeant Camarena did not recall what the individual said to the officer or what officer the individual spoke to. He did not recall if the individual was trying to file a complaint against another person, including against a police officer. Sergeant Camarena did not recall what happened to this individual. He denied that he or any other officer refused to process a civilian complaint at the time.

Police Officer Kopec and Police Officer Posimato confirmed that they were assigned to the stationhouse at the time of the incident, with Police Officer Kopec working as the TS operator and Police Officer Posimato working as the stationhouse security officer. Neither officer recalled this incident. Neither recalled a civilian appearing at the stationhouse on June 5, 2018 to file a complaint against an officer. Both of them denied that they or any other officer refused to process a civilian's complaint against an officer on that date. Police Officer Kopec was familiar with § 87(2)(b) explaining that he has taken numerous complaints from § 87(2)(b) in the past that she filed against other civilians. He did not recall seeing her on June 5, 2018. Police Officer Posimato was not familiar with § 87(2)(b).

Police Officer Cardona stated that she had not begun her tour at the time of this allegation. Police Officer Casanova stated that she was working in an administrative post in the back of the building. Neither officer was aware of § 87(2)(b) traveling to the 24th Precinct stationhouse or attempting to file a complaint about a police officer on June 5, 2018. Both officers stated that they have seen § 87(2)(b) file appear at the stationhouse in the past. They were not aware of any instances where § 87(2)(b) was prevented from filing a complaint against a police officer at the stationhouse.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to five CCRB complaints and has been named as a victim in nine allegations (See Board Review #09: Civilian CCRB History):
 - § 87(2)(b)
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- Police Officer Cardona has been a member of the service for one year and this is the first CCRB complaint to which she has been a subject.
- Sergeant Camarena has been a member of the service for eighteen years and has been the subject of one previous CCRB complaint and one allegation, which was not substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was not suitable for mediation.
- As of December 7, 2018, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regard to this complaint (See Board Review #10: Notice of Claim Results).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date